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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 NEVADA RESTAURANT SERVICES,  
INC., DBA DOTTY'S, a Nevada corporation,

16 Plaintiff,

17 vs.

18 FACTORY MUTUAL INSURANCE  
19 COMPANY, dba FM GLOBAL, a Rhode  
Island corporation; AFFILIATED FM  
20 INSURANCE COMPANY; a Rhode Island  
Corporation; JEFFEREY ZEBARTH, an  
21 individual; PATRICK LANGIN, an  
individual; DOES I through X; and ROE  
22 Business Entities I through X,

23 Defendants.  
24

Case No.: 2:22-cv-01104-RFB-VCF

**STIPULATION AND ORDER FOR  
EXTENSION OF TIME TO FILE  
OPPOSITIONS TO DEFENDANTS'  
MOTIONS TO DISMISS**

**(First Request)**

25 Pursuant to Local Rule IA 6-1, Plaintiff Nevada Restaurant Services, Inc. ("Plaintiff"), and  
26 Defendants Factory Mutual Insurance Company ("Factory Mutual"), Affiliated FM Insurance  
27 Company ("Affiliated FM"), Jefferey Zebarth ("Zebarth") and Patrick Langin ("Langin")  
28 (collectively referred to as "Defendants"), by and through their counsel of record, hereby request that

1 the Court extend the deadline for Plaintiff to oppose Defendants Factory Mutual's, Langin's and  
2 Zebarth's Motions to Dismiss filed on July 18, 2022. ECF Nos. 8-10. The parties stipulate and agree  
3 as follows:

4 1. On May 31, 2022, Plaintiff filed a complaint in the Eighth Judicial District Court for  
5 breach of contract, contractual breach of implied covenant of good faith and fair dealing, and tortious  
6 breach of implied covenant of good faith and fair dealing against Factory Mutual and Affiliated FM.  
7 Plaintiff also alleged negligent misrepresentation against Defendants Zebarth and Langin.

8 2. On July 11, 2022, Defendants Affiliated FM and Factory Mutual filed a petition for  
9 removal of the matter from the Eighth Judicial District Court for Clark County, Nevada, to the United  
10 States District Court for the District of Nevada.

11 3. On July 18, 2022, Defendant Factory Mutual filed a motion to dismiss Plaintiff's  
12 causes of action for breach of contract, contractual breach of implied covenant of good faith and fair  
13 dealing and tortious breach of implied covenant of good faith and fair dealing. Additionally,  
14 Defendants Langin and Zebarth filed motions to dismiss Plaintiff's cause of action for negligent  
15 misrepresentation.

16 4. The deadline to file Plaintiff's Oppositions to Defendants' Motions to Dismiss is  
17 August 1, 2022.

18 5. Plaintiff's counsel did not receive notice of the above-mentioned motions to dismiss  
19 until July 21, 2022, through no fault of the Court, which does not provide sufficient time to prepare  
20 Plaintiff's Oppositions to the aforementioned motions.

21 6. Based on the foregoing, the parties hereby agree to:

- 22 a. Extend the deadline for Plaintiff to file its oppositions to Defendants Factory  
23 Mutual's, Langin's and Zebarth's motions to dismiss (ECF Nos. 8-10) from  
24 August 1, 2022 to August 15, 2022, as Plaintiff requires more time to prepare its  
25 oppositions.  
26 b. Defendants' reply briefs will be due within 14 days of Plaintiff's opposition briefs.  
27  
28

1  
2 DATED: July 22, 2022

KEMP JONES, LLP

3  
4 /s/ J. Randall Jones

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15 *Attorneys for Nevada Restaurant Services, Inc.*

16 DATED: July 22, 2022

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# **EXHIBIT A**

Proposed Order

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Case No.: 2:22-cv-01104-RFB-VCF

**[PROPOSED] ORDER FOR EXTENSION  
OF TIME TO FILE OPPOSITIONS TO  
DEFENDANTS' MOTIONS TO DISMISS**

**(First Request)**

**[PROPOSED] ORDER**

Based on the parties' stipulation, it is hereby ordered that Plaintiff's deadline for filing oppositions to Defendants Factory Mutual Insurance Company's, Patrick Langin's and Jeffrey Zebarth's Motions to Dismiss is extended from August 1, 2022 to August 15, 2022 and Defendants Factory Mutual Insurance Company, Patrick Langin and Jeffrey Zebarth will file their replies within 14 days of Plaintiff filing its opposition briefs.

**IT IS SO ORDERED:**



RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

DATED: July 29, 2022.